

ORDINANCE NO. 2006 -057

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE **TRANSPORTATION ELEMENT** (TO MODIFY THE RIVIERA BEACH TRAFFIC CONCURRENCY EXCEPTION AREA); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on June 9 and June 23, 2006 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 19, 2006 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated September 29, 2006 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, on November 13, 2006 and November 27, 2006 the Palm Beach County Board of County Commissioners held a public hearing to

1 review the written comments submitted by the Department of Community
2 Affairs and to consider adoption of the amendments; and

3 **WHEREAS,** the Palm Beach County Board of County Commissioners has
4 determined that the amendments as modified satisfy the concerns
5 addressed in the Department of Community Affairs' "Objections,
6 Recommendations and Comments Report" and comply with all requirements
7 of the Local Government Comprehensive Planning and Land Development
8 Regulations Act.

9 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
10 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

11 **Part I. Amendments to the 1989 Comprehensive Plan**

12 Amendments to the text of the following Elements of the 1989
13 Comprehensive Plan are hereby adopted and attached to this Ordinance
14 in Exhibit 1:

15 **A. Transportation Element,** to modify text regarding the
16 Riviera Beach Traffic Concurrency Exception Area (TCEA).

17 **Part II. Repeal of Laws in Conflict**

18 All local laws and ordinances applying to the unincorporated area
19 of Palm Beach County in conflict with any provision of this ordinance
20 are hereby repealed to the extent of such conflict.

21 **Part III. Severability**

22 If any section, paragraph, sentence, clause, phrase, or word of
23 this Ordinance is for any reason held by the Court to be
24 unconstitutional, inoperative or void, such holding shall not affect
25 the remainder of this Ordinance.

26 **Part IV. Inclusion in the 1989 Comprehensive Plan**

27 The provision of this Ordinance shall become and be made a part
28 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
29 Ordinance may be renumbered or relettered to accomplish such, and the
30 word "ordinance" may be changed to "section," "article," or any other
31 appropriate word.

32 **Part V. Effective Date**

33 The effective date of this plan amendment shall be the date a
34 final order is issued by the Department of Community Affairs or
35 Administration Commission finding the amendment in compliance in

1 accordance with Section 163.3184(1)(b), Florida Statutes, whichever is
2 applicable. No development orders, development permits, or land uses
3 dependent on this amendment may be issued or commence before it has
4 become effective. If a final order of noncompliance is issued by the
5 Administration Commission, this amendment may nevertheless be made
6 effective by adoption of a resolution affirming its effective status,
7 a copy of which resolution shall be sent to the Florida Department of
8 Community Affairs, Division of Community Planning, Plan Processing
9 Team. An adopted amendment whose effective date is delayed by law
10 shall be considered part of the adopted plan until determined to be
11 not in compliance by final order of the Administration Commission.
12 Then, it shall no longer be part of the adopted plan unless the local
13 government adopts a resolution affirming its effectiveness in the
14 manner provided by law.

15 **APPROVED AND ADOPTED** by the Board of County Commissioners of Palm
16 Beach County, on the 27th day of November, 2006.

17 ATTEST:

18 SHARON R. BOCK, CLERK
19 & COMPTROLLER


20 PALM BEACH COUNTY, FLORIDA,
21 BY ITS BOARD OF COUNTY COMMISSIONERS

22 By:  By: 

23 Deputy Clerk

24 Addie L. Greene, Vice-Chairperson

25 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

26 
27
28 COUNTY ATTORNEY

29
30 Filed with the Department of State on the 6th day of
31
32 December, 2006.

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34

EXHIBIT 1

A. Policy 1-2.t, to revise with regards to a Riviera Beach TCEA

REVISIONS: To modify language to ensure LOS is not further deteriorated on North Ocean Drive at Singer Island. The added and deleted text is provided in underline and ~~strike-through~~ format respectively. The added text since the Transmittal is shown in double underline format.

Policy 1.2-t:

The City of Riviera Beach Redevelopment Area (CRA) - Transportation Concurrency Exception Area (TCEA) is hereby established and designated. The boundaries of the TCEA are shown on TE Map 15.1 and TE Map 15.3 in the Map Series. The TCEA shall be limited to the maximum allowable number of units, square footage, total daily trips, and total pm peak season, peak hour trips identified in the Table TE-4.A of this policy. Any project utilizing this TCEA and significantly impacting the Florida Intrastate Highway System (FIHS) shall be required to address its impacts on FIHS facilities pursuant to the ULDC.

The TCEA shall not take effect unless and until the City of Riviera Beach demonstrates to the satisfaction of the County Engineer in his sole discretion that peak hour, peak season traffic on North Ocean Avenue Drive (SR A1A) does not exceed level of service D at buildout, based on maximum density/ intensity/zoning established by the City of Riviera Beach Comprehensive Plan and land development regulations for properties on the Singer Island outside the boundaries of the TCEA. ~~Any increase in use outside the CRA boundaries over that shown in Table 1 of the traffic study prepared by Kimley-Horn and Associates, Inc., dated July 17, 2003 (attached as Exhibit 4 of the Staff report prepared for the adoption hearing November 24, 2003), shall require reevaluation by the County Engineer. If the reevaluation shows that the level of service is exceeded on Ocean Avenue then the TCEA should be reconsidered by the Board of County Commissioners.~~ Any Development Order (D.O.) application for any project set forth in Table TE 4.B shall not be approved if the County Engineer determines that such project will cause peak season pm peak hour traffic on North Ocean Drive to exceed LOS D at project buildout or anticipated Singer Island buildout in year 2025 except for a project utilizing its vested traffic pursuant to County's ULDC. Projected traffic at the anticipated Singer Island buildout shall be calculated by using: the traffic count on North Ocean Drive (SR A1A) 100 feet south of Harbor Drive South; a background traffic annual growth rate of 0.5%; and include the allowable approved but unbuilt traffic for the TCEA and for Singer Island outside the TCEA. On or before December 1, 2011, the County staff shall submit a written report to the Board of County Commissioners which recommends whether or not the TCEA and its associated policy restrictions should remain in effect on Singer Island.

Prior to issuance of Any Development Order for a project within the TCEA on Singer Island, the project must submit a traffic generation study, showing external traffic, for approval to the County Engineer. No Development Order approvals shall be given without approval of the County Engineer, which shall be based on This traffic study shall show external project traffic and all other existing and committed development traffic within the TCEA on Singer Island, to demonstrate that the proposed project is within the limits for allowable land uses and trips the limits set forth in Table TE-4.A.

Beginning March 1, 2005, the City shall submit an annual report to the County's Planning Director to demonstrate compliance with the conditions set forth in this policy. Upon review by the Planning Director and the County Engineer, the annual report will be submitted to the Board of County Commissioners (BCC) for consideration. In the event that any of the conditions below is not met, the BCC may amend or rescind any or all of this policy. The conditions are:

1. The development approvals utilizing within this TCEA shall remain at or below the maximum allowable limits for units, square footage, total daily trips, and total pm peak hour trips set by Table TE-4.A of this policy. No building permits shall be issued for new development when the applicable maximum allowable limit for that development is reached.
2. Beginning with the March 1, 2006 annual report, and at the end of each reporting period thereafter, the cumulative ratio of approved residential units to 1,000 square foot approved office space shall remain between the maximum and minimum allowable ratios identified in Table TE-4.A.
3. Beginning with the March 1, 2006 annual report, and at the end of each reporting period thereafter, the cumulative ratio of approved residential units to 1,000 square foot approved other non-residential space shall remain between the maximum and minimum allowable ratios identified in Table TE-4.A.
4. By January 2005, the City shall amend its land development regulations to require developments within the TCEA to contribute toward the cost of public transit infrastructure as

one means to offset the impact of the concurrency exception on the arterial roadway network and the FIHS.

5. The City, in coordination with the Riviera Beach CRA, shall maintain and annually update a master phasing plan and infrastructure budget and schedule that targets needed improvements within the TCEA boundaries and sets priority for funding and construction in the City's Five Year Capital Improvements Program.

6. By January 2005, the City shall revise its street design standards for all City streets within the TCEA to install street design features so that construction of new streets and repair of existing streets create safe, balanced, livable streets that can be used for all forms of travel including non-vehicular modes of travel.

7. By January 2006, the City shall undertake a detailed transit study to develop a local transit circulator plan (complementing the County's public transit service) for the TCEA including specific route alignments, infrastructure needs, headways, hours of operation and other service characteristics. The City shall act on the conclusions and recommendations contained within the transit circulator plan and move forward with efforts to implement improvements according to the phasing and schedule provided in the plan.

8. By January 2007, the City, with its own funding source, shall provide local transit circulator service within a ¼ mile of 50 percent of all developed mixed-use and medium and high density residential areas identified on the Future Land Use Map of the City's Comprehensive Plan and within the TCEA boundaries, within the Palm Tran service area.

9. By January 2010, the City shall provide a site for the new Tri-Rail station at a cost no greater than City's acquisition cost. Concurrent with the opening of this new Tri-Rail station, the City with its own funding source, shall provide a new circulator service and/or expand an existing circulator service to connect to this new station.

10. Concurrent with the development, the City shall provide hurricane shelter space for at least 20% of the population increase associated with hotel/motel developments, residential developments, mobile home and trailer park developments, and recreational vehicle developments within the hurricane vulnerability zone. A long-term comprehensive shelter program shall be coordinated in conjunction with public, private and non-profit organizations to ensure that adequate shelter space is located in an area outside of the hurricane evacuation zone and meets current American Red Cross standards.

11. The City shall provide 2 through lanes, 2 left-turn lanes and 1 right-turn lane on all approaches of the intersection of US-1 and Blue Heron Boulevard concurrent with the construction of new US-1. One left-turn lane, however, on the east approach (westbound) shall suffice only if 2 left-turn lanes are not feasible.

12. The City shall annually monitor the intersection of Blue Heron Boulevard and Old Dixie Highway, and coordinate with FDOT and the County to improve this intersection when necessary, and if feasible.

13. Consistent with the intent of the City's Redevelopment Plan dated 2001, Section 3.2.10.3, Methods of Assuring Availability of Housing, the City shall ensure that the development (with any residential component) within each phase (as contemplated by the Phasing Plan in the TCEA Justification Report dated July 9, 2003) of the CRA, be required to provide no less than 5% of the total residential units for occupancy by very low income (less than or equal to 50% of the County's median annual adjusted gross income) households, and low income (more than 50% but less than or equal to 80% percent of the County's median annual adjusted gross income) households. The City shall also ensure that these affordable units remain affordable for no less than 10 years for ownership units and no less than 20 years for rental units.

14. By March 1, 2005, the City shall submit to County's Emergency Management Division a site-specific study determining evacuation times from Singer Island in case of mandatory evacuation.

The Transportation Concurrency Exception Area (TCEA) for the Riviera Beach CRA shall become effective upon the finding of compliance by the Florida Department of Community Affairs (DCA) for both the County's and the City's amendments to their respective comprehensive plans for the TCEA. It is the County's position that development orders issued within the CRA area shall be consistent with the policies in the County's TCEA.

TABLE TE-4.A
RIVIERA BEACH CRA - TCEA
MONITORING TABLE

MAINLAND DEVELOPMENT					
Allowable Land Use Intensities	Residential/ Rental Units	Hotel Units	Conference Area (SF)	Office/ Technical Area	Other Non- residential
Planned Land Use Totals	3,945	300	33,000	1,145,855	1,636,506
Allowable variance +/- (%)	15%	25%	25%	10%	10%
Maximum Allowable Development	4,537	375	41,250	1,260,441	1,800,157
Minimum Allowable Development	3,353	225	24,750	1,031,270	1,472,855
Maximum Allowable Vehicle Trips	Daily Traffic		PM Peak Hour Traffic		
Planned Land Use Net New Trips	49,703		5,226		
Allowable Land Use Ratios	Residential/ Office		Residential/ Other Non-Residential		
Maximum Allowable Ratios	4.50		3.10		
Minimum Allowable Ratios	2.10		1.30		

SINGER ISLAND DEVELOPMENT					
Allowable Land Use Intensities	Residential/ Rental Units	Hotel Units	Conference Area (SF)	Office/ Technical Area	Other Non- residential
Planned Land Use Totals	426	535	50,000	0	134,010
Allowable variance +/- (%)	15%	25%	25%	0%	10%
Maximum Allowable Development	490	669	62,500		147,411
Minimum Allowable Development	362	401	37,500		120,609
Maximum Allowable Vehicle Trips	Daily Traffic		PM Peak Hour Traffic		
Planned Land Use Net New Trips	4,213		337		
Allowable Land Use Ratios	Residential/ Office		Residential/ Other Non-Residential		
Maximum Allowable Ratios	-		4.10		
Minimum Allowable Ratios	-		2.40		

TABLE TE-4.B Singer Island Development (Outside TCEA)		
Land Use	Existing/Approved Intensity	
* Phoenix Towers	192	MF du
Tiara	320	MF du
Amrit (Island Beach Resort)	258	rooms
Amrit (Island Beach Resort)	28	MF du
* Crowne Plaza/Flaglers Grill	193	rooms
* Ocean Tree	152	MF du
* Villas On the Ocean	54	MF du
* Villa Towers	51	MF du
* Hilton/Coconuts on the Beach	223	rooms
Mirasol (Rutledge Inn)	58	MF du
Island Spa (Canopy Palms)	306	rooms
* Oasis	38	MF du
Beachfront	60	MF du
Ocean's Edge	40	MF du
One Singer Island	15	MF du
* Harbor Point	37	MF du
* Coral Sea	33	MF du

* current development reflected in existing base traffic counts

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk and Comptroller
certify this to be a true and correct copy of the original
filed in my office on November 27, 2006
dated at West Palm Beach, FL on 12/11/06
By: Diane Browne
Deputy Clerk
COUNTY
FLORIDA